

FIRST REGULAR SESSION

HOUSE BILL NO. 38

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ROORDA.

0244L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 577, RSMo, by adding thereto three new sections relating to altering or falsifying drug or alcohol tests or test results, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 577, RSMo, is amended by adding thereto three new sections, to be known as sections 577.043, 577.045, and 577.047, to read as follows:

577.043. As used in sections 577.045 and 577.047 the term "biological sample", includes but is not limited to urine, hair, hair follicles, perspiration, saliva, blood, and fingernails.

577.045. 1. A person commits the crime of altering or falsifying drug or alcohol tests or test results if such person knowingly alters or falsifies drug or alcohol tests or test results by:

(1) Using or possessing with the intent to use any substance or device, including but not limited to false tubing, bladders, containers, or other device concealed on the body, designed to alter or falsify drug or alcohol tests or test results; or

(2) Submitting an altered, false, or adulterated biological sample; or

(3) Submitting a biological sample that was collected from another person or animal; or

(4) Submitting false documents or making false material statements with the intent to alter or falsify drug or alcohol tests or test results.

2. Altering or falsifying drug or alcohol tests or test results is a class D felony.

577.047. 1. It is unlawful for any person to manufacture, possess, sell, give away, distribute, produce, or market a biological sample in this state or to transport a biological

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

3 sample in this state with the intent that such biological sample be used to alter or falsify
4 drug or alcohol tests or test results.

5 2. It is unlawful for any person to manufacture, possess, sell, give away, distribute,
6 produce, or market adulterants with the intent that such adulterant be used to alter or
7 falsify drug or alcohol tests or test results.

8 3. As used in this section the term "adulterant" means any additive which makes
9 a sample impure or corrupt.

10 4. For the purpose of determining the intent of a person who is charged with a
11 violation of subsection 1 or 2 of this section, the trier of fact may take into consideration
12 whether or not verbal or written instructions or advice regarding any method of altering
13 or falsifying drug tests or drug test results accompanied the sale, giving away, distribution,
14 or marketing of the biological sample or adulterants.

15 5. Any person who violates the provisions of this section is guilty of a class A
16 misdemeanor.

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